

Article 17E.

Licensure.

**§ 115C-270.1. Definitions.**

As used in this Article, the following definitions shall apply:

- (1) Administrator. – An administrator or supervisor who serves in general and program administrator roles, as classified by the State Board. Administrators shall include superintendents, assistant or associate superintendents, principals, assistant principals, or curriculum-instructional specialists.
- (2) Professional educator. – An administrator, teacher, or student services personnel.
- (3) Recognized educator preparation program or recognized EPP. – As defined in G.S. 115C-269.1(15).
- (4) Student services personnel. – An individual providing specialized assistance to students, teachers, administrators, or the education program in general, as classified by the State Board. Student services personnel shall include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.
- (5) Teacher. – An individual whose major responsibility is to either teach or directly supervise teaching, as classified by the State Board. (2017-189, s. 3(c).)

**§ 115C-270.5. State Board of Education establishes licensure requirements.**

(a) Authority. – The State Board of Education shall have entire control of licensing all applicants for professional educator positions in all public schools of North Carolina, subject to the requirements of this Article. The State Board shall adopt rules for the issuance, renewal, and extension of all licenses and shall determine and fix the salary for each grade and type of license which it authorizes.

(b) Consultation – The State Board shall receive recommendations from the Professional Educator Preparation and Standards Commission and seek input from The University of North Carolina Board of Governors, the State Board of Community Colleges, educator preparation programs, and such other public and private agencies as are necessary in adopting rules required by this Article. (2017-189, s. 3(c).)

**§ 115C-270.10. Licensure fees.**

(a) Fee Schedule. – The State Board of Education shall establish by rule a schedule of fees for professional educator licensure and administrative changes. The fees established under this section shall not exceed the actual cost of providing the service. The schedule may include fees for any of the following services:

- (1) Application for demographic or administrative changes to a license.
- (2) Application for a duplicate license or for copies of documents in the licensure files.
- (3) Application for a renewal, extension, addition, upgrade, reinstatement, and variation to a license.
- (4) Initial application for a new graduate from any recognized educator preparation program.

- (5) Initial application for an out-of-state applicant.
- (6) All other applications.

An applicant must pay any nonrefundable or nontransferable service fees at the time an application is submitted.

(a1) Notwithstanding subsection (a) of this section, the State Board of Education shall reimburse the initial application fee for any new graduate from any recognized EPP the first time an applicant submits an application for teacher licensure, if the applicant has successfully earned an initial professional license in North Carolina. The State Board shall issue the reimbursement to the application fee within 30 days of the date the applicant successfully earns an initial professional license in North Carolina.

(b) Fee Increase Reporting. – The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15 in any year that the amount of fees in the fee schedule established under this section has been modified during the previous 12 months. The report shall include the number of personnel paid from licensure receipts, any change in personnel paid from receipts, other related costs covered by the receipts, and the estimated unexpended receipts as of June 30 of the year reported. (2017-189, ss. 3(c), 6(q).)

#### **§ 115C-270.15. Examination requirements for initial professional licenses.**

(a) Examination Score Requirements. – The State Board of Education shall require an applicant for an initial professional license to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score on a standard examination appropriate and adequate for that purpose. Elementary education (K-6) and special education general curriculum teachers shall also achieve a prescribed minimum score on subtests or standard examinations specific to teaching reading and mathematics.

(b) Establishment of Minimum Scores. – The State Board shall adopt rules that establish the minimum scores for any required standard examinations and other measures necessary to assess the qualifications of professional educators as required under this section. For purposes of this section, the State Board shall not be subject to Article 2A of Chapter 150B of the General Statutes. At least 30 days prior to changing any rule adopted under this section, the State Board shall provide written notice to all recognized educator preparation programs and to all local boards of education. The written notice shall include the proposed revised rule. The State Board of Education shall make any required standard initial professional licensure exam rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has received high-quality academic and professional preparation to teach effectively.

(c) Time Line for Completion of Examinations. – The State Board of Education shall permit an applicant to fulfill any such testing requirement before or during the applicant's second year of teaching, provided the applicant took the examination at least once during the first year of teaching. (2017-189, s. 3(c).)

#### **§ 115C-270.20. Licensure requirements.**

(a) Teacher Licenses. – The State Board shall adopt rules for the issuance of the following classes of teacher licenses, including required levels of preparation for each classification:

- (1) Continuing professional license or CPL. – A five-year renewable license issued to a teacher who has at least three years of licensed teaching experience and

meets other requirements established by the State Board. A CPL shall remain in effect for five years after retirement.

- (2) Emergency license or EL. – A one-year nonrenewable license issued to an individual who holds a bachelor's degree with coursework relevant to the requested licensure area, but has not successfully completed a recognized educator preparation program and does not qualify for a residency license. An emergency license shall only be requested by the local board of education, and applicants for emergency licenses shall meet all other requirements established by the State Board, including preservice training, prior to teaching.
- (3) Initial professional license or IPL. – A three-year nonrenewable license issued to an individual who has successfully completed a recognized educator preparation program and meets other requirements established by the State Board.
- (4) Lifetime license. – A license issued to a teacher after 50 or more years of teaching as a licensed teacher that requires no renewal.
- (5) Residency License or RL. – A one-year license, renewable twice, that meets both of the following requirements:
  - a. Is requested by the local board of education and accompanied by a certification of supervision from the recognized educator preparation program in which the individual is enrolled.
  - b. The individual for whom the license is requested meets all of the following requirements:
    - 1. Holds a bachelor's degree.
    - 2. Has either completed coursework relevant to the requested licensure area or passed the content area examination relevant to the requested licensure area that has been approved by the State Board.
    - 3. Is enrolled in a recognized educator preparation program.
    - 4. Meets all other requirements established by the State Board, including completing preservice requirements prior to teaching.
- (6) Retirement licensure. – A five-year renewable license issued to a teacher who retired with 30 or more years of teaching experience in North Carolina and who has been employed by a local school administrative unit after retirement as any of the following:
  - a. A substitute teacher.
  - b. A part-time provider of any of the following services: classroom instruction, tutoring, mentoring teachers, writing curricula, developing and leading staff development programs for teachers, or working in after-school programs.

(b) Administrator and Student Services Personnel. – The State Board shall establish classification and levels of preparation necessary for issuance of licenses for administrators and student services personnel.

(c) Notwithstanding the requirement in subsection (a) of this section that an individual must hold a bachelor's degree with coursework relevant to the requested licensure area for individuals seeking licensure in a career or technical education area, the State Board may establish

alternate criteria related to that area to establish competency in lieu of a bachelor's degree. (2017-189, s. 3(c).)

**§ 115C-270.21. Licensure exception for Cherokee language instruction.**

(a) Upon the recommendation of the Superintendent of Public Instruction, the State Board of Education shall enter into a memorandum of understanding (MOU) with the Eastern Band of Cherokee Indians specifying the criteria that must be met in order for individuals to teach Cherokee language and culture classes. Notwithstanding any other provision of law, individuals approved to teach in accordance with an MOU entered into pursuant to this section shall be authorized to teach Cherokee language and culture classes without a license.

(b) A memorandum of understanding entered into under this section shall at least include the following:

- (1) Requirements for approval of individuals employed under this section, including a requirement that the individual has demonstrated mastery of the Cherokee language through a credential issued by the Eastern Band of Cherokee Indians.
- (2) A three-year approval period, which may be renewed, for individuals employed under this section.
- (3) Authority of the Superintendent of Public Instruction or the Superintendent's designee to approve and renew approval of individuals employed under this section, subject to the requirements of the memorandum of understanding.
- (4) Requirements for renewing approval of individuals employed under this section after three years.
- (5) A clear statement that an individual authorized to teach pursuant to this section shall not be permitted to provide instruction in other content areas unless the individual possesses a license issued in accordance with G.S. 115C-270.20. (2018-7, s. 2(a).)

**§ 115C-270.25. Out-of-state license applicants.**

Initial applications from an individual with an out-of-state teacher's license shall require the applicant to provide evidence of that teacher's effectiveness, when available, as measured by the evaluation system used in that applicant's state of current licensure at the time of application, including any growth measures included in that evaluation system. Applications that include the evidence of that educator's effectiveness shall be prioritized for review over initial applications from applicants with out-of-state licenses that do not include that information. An individual who does not include evidence of that teacher's effectiveness with the initial application shall only be eligible for an IPL. (2017-189, s. 3(c).)

**§ 115C-270.30. Licensure renewal.**

(a) Licensure Renewal. – The State Board shall adopt rules establishing the requirements for renewal of all professional educator licenses. These requirements shall reflect rigorous standards for continuing licensure and shall be aligned with high-quality professional development programs that reflect State priorities for improving student achievement.

(b) Teacher Licensure Renewal. – Rules for continuing licensure for teachers shall include the following:

- (1) For all teachers, at least eight continuing education credits with at least three credits required in a teacher's academic subject area.
  - (2) For elementary school teachers, at least three continuing education credits related to literacy. Literacy renewal credits shall include evidence-based assessment, diagnosis, and intervention strategies for students not demonstrating reading proficiency. Oral language, phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall be addressed in literacy-related activities leading to license renewal for elementary school teachers.
  - (3) For retirement licensure, at least 640 hours of documented employment in a local school administrative unit each renewal cycle and eight hours of annual professional development approved by a local school administrative unit.
  - (4) For all teachers employed by a local board of education, evidence of a rating of at least proficient on the most recent annual evaluation to maintain the current license status. A teacher who is unable to satisfy this requirement but has been placed on a mandatory improvement plan may be eligible to receive an IPL if that teacher satisfies all other licensure requirements.
  - (5) A member of the General Assembly is exempt from the continuing education credit requirements for teachers during any five-year licensure renewal cycle in which the member serves a term or some portion thereof in the General Assembly as long as the member notifies the Department of Public Instruction of the exemption during that five-year licensure renewal cycle.
- (c) License Renewal Rules Review. – The rules for licensure renewal shall be reviewed at least once every five years by the State Board to do the following:
- (1) Reevaluate and enhance the requirements for renewal of professional educator licenses.
  - (2) Consider modifications in the license renewal achievement to make it a mechanism for professional educators to renew continually their knowledge and professional skills.
  - (3) Integrate digital teaching and learning into the requirements for licensure renewal. (2017-189, s. 3(c).)

**§ 115C-270.35. License suspension and revocation.**

(a) Rules. – The State Board shall adopt rules to establish the reasons and procedures for the suspension and revocation of licenses, subject to the requirements of this section.

(b) Automatic Revocation With No Hearing. – The State Board shall automatically revoke the license of a professional educator without the right to a hearing upon receiving verification of the identity of the professional educator together with a certified copy of a criminal record showing that the professional educator has entered a plea of guilty or nolo contendere to or has been finally convicted of any of the following crimes:

- (1) Murder in the first or second degree, G.S. 14-17.
- (2) Conspiracy or solicitation to commit murder, G.S. 14-18.1.
- (3) Rape or sexual offense, as defined in Article 7B of Chapter 14 of the General Statutes.
- (4) Felonious assault with deadly weapon with intent to kill or inflicting serious injury, G.S. 14-32.

- (5) Kidnapping, G.S. 14-39.
- (6) Abduction of children, G.S. 14-41.
- (7) Crime against nature, G.S. 14-177.
- (8) Incest, G.S. 14-178 or G.S. 14-179.
- (9) Employing or permitting minor to assist in offense against public morality and decency, G.S. 14-190.6.
- (10) Dissemination to minors under the age of 16 years, G.S. 14-190.7.
- (11) Dissemination to minors under the age of 13 years, G.S. 14-190.8.
- (12) Displaying material harmful to minors, G.S. 14-190.14.
- (13) Disseminating harmful material to minors, G.S. 14-190.15.
- (14) First degree sexual exploitation of a minor, G.S. 14-190.16.
- (15) Second degree sexual exploitation of a minor, G.S. 14-190.17.
- (16) Third degree sexual exploitation of a minor, G.S. 14-190.17A.
- (17) Taking indecent liberties with children, G.S. 14-202.1.
- (18) Solicitation of child by computer to commit an unlawful sex act, G.S. 14-202.3.
- (19) Taking indecent liberties with a student, G.S. 14-202.4.
- (20) Prostitution, G.S. 14-204.
- (21) Patronizing a prostitute who is a minor or has a mental disability, G.S. 14-205.2(c) or (d).
- (22) Promoting prostitution of a minor or a person who has a mental disability, G.S. 14-205.3(b).
- (23) Child abuse under G.S. 14-318.4.

The State Board shall mail notice of its intent to act pursuant to this subsection by certified mail, return receipt requested, directed to the professional educator's last known address. The notice shall inform the professional educator that it will revoke the person's license unless the professional educator notifies the State Board in writing within 10 days after receipt of the notice that the defendant identified in the criminal record is not the same person as the professional educator. If the professional educator provides this written notice to the State Board, the State Board shall not revoke the license unless it can establish as a fact that the defendant and the professional educator are the same person.

(c) **Mandatory Revocation.** – The State Board shall revoke the license of a professional educator if the State Board receives notification from a local board of education or the Secretary of Health and Human Services that a professional educator has received a rating on any standard that was identified as an area of concern on the mandatory improvement plan that was below proficient or otherwise represented unsatisfactory or below standard performance under G.S. 115C-333(d) and G.S. 115C-333.1(f).

(d) **Discretionary Revocation.** – The State Board may revoke or refuse to renew a professional educator's license when the Board identifies the school in which the professional educator is employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5, and the assistance team assigned to that school makes the recommendation to revoke or refuse to renew the professional educator's license for one or more reasons established by the State Board in its rules for license suspension or revocation.

(e) **Subpoena Power.** – The State Board may issue subpoenas for the purpose of obtaining documents or the testimony of witnesses in connection with proceedings to suspend or revoke licenses. In addition, the Board may contract with individuals who are qualified to conduct

investigations in order to obtain all information needed to assist the Board in the proper disposition of allegations of misconduct by licensed persons. (2017-189, s. 3(c); 2018-47, s. 4(*l*).)